

The motion is GRANTED. An amended letter will issue separately.



Alistair E. Newbern
U.S. Magistrate Judge

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF TENNESSEE

NASHVILLE DIVISION

ST. CLAIR COUNTY EMPLOYEES') Civil Action No. 3:18-cv-00988
RETIREMENT SYSTEM, Individually and on)
Behalf of All Others Similarly Situated,) CLASS ACTION
)
Plaintiff,) District Judge William L. Campbell, Jr.
)
vs.) Magistrate Judge Alistair E. Newbern
)
ACADIA HEALTHCARE COMPANY, INC.,) UNOPPOSED MOTION FOR ISSUANCE
et al.,) OF AMENDED LETTER OF REQUEST
) FOR INTERNATIONAL JUDICIAL
Defendants.) ASSISTANCE PURSUANT TO THE
) EVIDENCE (PROCEEDINGS IN OTHER
) JURISDICTIONS) ACT OF 1975 TO
) PERMIT DEPOSITION TESTIMONY

Plaintiffs Chicago & Vicinity Laborers' District Council Pension Fund and New York Hotel Trades Council & Hotel Association of New York City, Inc. Pension Fund ("Plaintiffs"), by and through their undersigned counsel, respectfully request that the Court issue an Amended Letter of Request to the Senior Master, Queen's Bench Division of the High Court of Justice of the United Kingdom, to afford Plaintiffs more time to conduct the depositions requested by the previously issued Letter of Request (ECF 205).

Plaintiffs filed their Second Amended Application for Issuance of a Letter of Request for International Judicial Assistance Pursuant to the Evidence (Proceedings in Other Jurisdictions) Act of 1975 (ECF 186) on October 13, 2022, seeking deposition testimony from four witnesses located in the United Kingdom. The Court granted Plaintiffs' request in part on December 2, 2022 (ECF 203) and issued a Letter of Request (ECF 205) that reflected certain amendments to Plaintiffs' proposed Letter of Request. The Letter of Request also indicates, "[t]his Court respectfully requests

that the depositions commence on a date as soon as practical and in all events prior to January 31, 2023.” *Id.* at 10.

Per the plan outlined in Plaintiffs’ Second Amended Application (ECF 186 at 8), Plaintiffs provided the Letter of Request to their London counsel, who is preparing to file the Letter of Request with the Senior Master, Queen’s Bench Division of the High Court in London. To afford Plaintiffs sufficient time to obtain an Order from the High Court in London, serve the Order on the witnesses, handle any potential objections from the witnesses, and complete the depositions, however, Plaintiffs request that the January 31, 2023 deadline in the previously issued Letter of Request be amended to read as follows: “This Court respectfully requests that the depositions commence on a date as soon as practical and in all events prior to April 30, 2023. . . .”¹

Counsel for Plaintiffs have met and conferred with counsel for Defendants and Defendants do not oppose this request. For all of the foregoing reasons, Plaintiffs respectfully request that this Court issue the proposed Amended Letter of Request, attached hereto as Exhibit A.

DATED: January 6, 2023

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s/ T. ALEX B. FOLKERTH
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¹ Plaintiffs have attached a proposed Amended Letter of Request that includes this requested amendment as Exhibit A. Plaintiffs also made a small change to the previously issued Letter of Request to correct the inadvertent omission of Mr. Hall in the definition of the “Deponents”; the proposed Amended Letter of Request is otherwise identical to the Letter of Request the Court issued on December 2, 2022 (ECF 205), *i.e.*, it incorporates the amendments the Court made to Plaintiffs’ previously proposed Letter of Request. Plaintiffs have attached a redline version showing these changes from the previously issued Letter of Request as Exhibit B.

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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on January 6, 2023, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ T. ALEX B. FOLKERTH
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Mailing Information for a Case 3:18-cv-00988 St. Clair County Employees' Retirement System v. Acadia Healthcare Company, Inc. et al

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- (No manual recipients)